



IT IS HEREBY ADJUDGED and DECREED that the below described is SO ORDERED.

Dated: April 16, 2013.

A handwritten signature in black ink, appearing to read "H. Mott".

**H. CHRISTOPHER MOTT
UNITED STATES BANKRUPTCY JUDGE**

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE:	§	CASE NO 12-11978-HCM
SCC KYLE PARTNERS LTD.,	§	
Debtor.	§	(Chapter 11)

ORDER REQUIRING PLAN MEDIATION

On April 4 and 16, 2013, the Court conducted a contested hearing on confirmation of an Amended Plan of Reorganization, as modified ("Plan") filed by SCC Kyle Partners, Ltd. ("Debtor"), and the objections thereto filed by Whitney Bank, individually and as agent for American Bank N.A., Capital One N.A., and Trustmark National Bank ("Lenders"). Respective counsel for the Debtor, Whitney Bank, and Kyle Investment Group LLC ("Limited Partners") and witnesses appeared at the hearing. To further an expeditious and economical resolution of the Debtor's bankruptcy case under 11 U.S.C. §105, the Court finds that the following Order should be entered.

IT IS THEREFORE ORDERED ADJUDGED AND DECREED AS FOLLOWS:

1. By May 15, 2013, the Debtor, Whitney Bank, and each of the Lenders (unless the Lenders have granted sufficient settlement authority to Whitney Bank as Agent) are hereby ordered to attend and participate in a mediation of the Plan and their disputes with an independent mediator. The Debtor, Whitney Bank, and each of the Lenders (unless they have granted sufficient settlement authority to Whitney Bank as Agent), shall have a client representative present at the mediation that has authority to resolve the disputes. The Limited Partners may attend such mediation.

2. The Debtor and Whitney Bank shall agree on selection of an independent mediator; if they cannot agree, the Court will appoint an independent mediator at the

request of either the Debtor or Whitney Bank. Given the nature of the issues in controversy, the Court strongly recommends that the parties select a retired or former bankruptcy judge of their choice to act as an independent mediator.

3. The cost of such mediation shall be borne equally by the Debtor and Whitney Bank, and the payment of such cost by the bankruptcy estate of the Debtor is hereby approved.

4. By May 17, 2013, the Debtor and Whitney Bank shall file a short Report with the Court advising whether or not the mediation was successful and whether or not they believe a Plan status conference should be set in this bankruptcy case.

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